

## CHAPTER 3

## CODE, SUPREME COURT REPORTS, ETC.

H. F. 289

AN ACT to amend, revise, and codify chapters five (5) and six (6) of title one (1) and section fifty-eight (58) of the compiled code of Iowa and sections forty-three-a-one (43-a1), forty-three-a two (43-a2), forty-three-a five (43-a5), forty-three-a six (43-a6), fifty-seven-a one (57-a1) to fifty-seven-a three (57-a3), inclusive, fifty-nine (59), sixty (60), one hundred seventy-five-a four (175-a4) to one hundred seventy-five-a nine (175-a9), inclusive, one hundred seventy-five-a twelve (175-a-12), one hundred seventy-five-a thirteen (175-a13), and two hundred forty-one-a thirty-eight (241-a38) and section two hundred forty-one-a fifty-seven (241-a 57) of the supplement to said code, relating to the preparation, publication, use, custody, sale, and distribution of the laws of the state and of other publications of a legal nature, and to the powers and duties of the reporter of the supreme court, state printing board, superintendent of printing, and other public officers, with reference to such laws and publications, establishing a code supervising committee and making appropriation therefor.

*Be it enacted by the General Assembly of the State of Iowa:*

That chapters five (5) and six (6) of title one (1) and section fifty-eight (58) of the compiled code of Iowa and sections fifty-seven-a one (57-a1) to fifty-seven-a three (57-a3), inclusive, fifty-nine (59), and sixty (60) of the supplement to said code are amended, revised, and codified to read as follows:

## THE CODE

- 1 SECTION 1. **Style of code.** The code shall be prepared and published
- 2 substantially in the following form and style:
- 3 1. The printing of the text shall be in double columns from type
- 4 forms thirty-seven (37) picas wide by fifty-four (54) picas high and
- 5 in nine (9) point type solid and with spacing of approximately six (6)
- 6 points between each section.
- 7 2. The chapters shall be numbered consecutively (commencing
- 8 with number one (1)) and without regard to titles.
- 9 3. Each section shall be indicated by a number printed in bold
- 10 face type.
- 11 4. Each section shall have appropriate catchwords printed in bold
- 12 face type contrasting with the text and followed immediately by the
- 13 first word of the section.
- 14 5. Proper historical references shall immediately follow the last
- 15 word of each section.
- 16 6. The code provided for herein shall include:
- 17 (a) An analysis of the code by titles and chapters.
- 18 (b) The declaration of independence.
- 19 (c) Articles of confederation.
- 20 (d) The constitution of the United States.
- 21 (e) Laws of the United States relating to citizenship, naturaliza-
- 22 tion and the authentication of records.
- 23 (f) The constitution of Iowa.
- 24 (g) The act admitting Iowa into the union as a state.
- 25 (h) Chapter analysis at the head of each chapter.

26 (i) All of the statutes of Iowa of a general and permanent nature.

27 (j) The rules of the supreme court.

28 (k) An index covering the constitution and statutes of the state  
29 of Iowa and the rules of the supreme court.

30 7. The code editor shall prepare and there shall be published such  
31 tables of corresponding sections of prior codes, supplements thereto  
32 and session laws as may be determined by the code supervising com-  
33 mittee. The committee shall publish the same in a separate volume,  
34 free distribution and sale of which shall be made the same as copies  
35 of the code.

36 8. The code shall be printed upon a good quality of paper and  
37 bound in good grade of buckram to specifications prepared by the state  
38 printing board and approved by the code supervising committee.

1 **SEC. 2. Editorial work.** The code editor in preparing the copy  
2 for an edition of the code shall have power:

3 1. To correct therein all misspelled words in the original enroll-  
4 ments.

5 2. To correct all manifest grammatical and clerical errors includ-  
6 ing punctuation but without changing the meaning.

7 3. To transpose sections or to divide sections so as to give to dis-  
8 tinct subject matters a section number but without changing the  
9 meaning.

1 **SEC. 3. Present Code.** The editor of the code shall, with all due  
2 diligence, proceed with the preparation of the code and the printing  
3 board shall proceed with like diligence and cause said code to be issued  
4 at the earliest possible time.

1 **SEC. 4. Code supervising committee.** Before the adjournment of  
2 the extra session of the fortieth general assembly, the president of  
3 the Senate shall appoint two members of the Senate and the speaker  
4 of the House shall appoint three members of the House, who shall  
5 constitute a code supervising committee, which committee shall have  
6 general supervision and oversight of the work of editing the code and  
7 the work of the code editor in preparing the code for publication and  
8 of the printing and binding thereof. The code supervising committee  
9 shall meet with the code editor at his office in the state house at  
10 such times as, in their judgment, may be necessary to properly super-  
11 vise the work of the code editor, and to aid the code editor in the  
12 proper and expeditious work of preparing and publishing the code  
13 in compliance with the provisions of this act. The members of the  
14 code supervising committee shall be paid their actual and necessary  
15 expenses incurred in the performance of their duties as provided  
16 for herein.

1 **SEC. 5. Future codes.** The editor of the code shall, immediately  
2 following the final adjournment of the regular session of the forty-  
3 second general assembly and immediately following the final adjourn-  
4 ment of each even-numbered regular session thereafter, prepare a  
5 new edition of the code, and the printing board shall forthwith cause  
6 the same to be printed.

1 **SEC. 6. Preparation.** All new editions of the code shall be so  
2 prepared and printed that each section of the general statute law  
3 shall appear in said new edition in its new or finally revised and

4 amended form. All sections of law of a general nature enacted after  
 5 the last preceding code, shall be inserted in each new edition in such  
 6 logical order as the editor of the code may determine.

1 SEC. 7. **Standard.** The size, style, type, and binding of the pub-  
 2 lished acts of the fortieth general assembly shall be substantially  
 3 followed in the future publication of the session laws.

1 SEC. 8. **Duty of secretary of state.** The secretary of state shall  
 2 prepare and deliver to the editor of the code for insertion in each  
 3 published volume of session laws, a correct list of state officers,  
 4 judges of the supreme, district, superior, and municipal courts, mem-  
 5 bers of the general assembly, and commissioners for this state in  
 6 other states.

1 SEC. 9. **Duty of auditor of state.** There shall also be inserted in  
 2 each volume of the session laws, the statement of the condition of  
 3 the state treasury as provided by the constitution. Said statement  
 4 shall be furnished by the auditor of state.

DISTRIBUTION AND ACCOUNTING

1 SEC. 10. **Distribution of laws.** The superintendent of printing  
 2 shall make free distribution of the code, and of the acts of each gen-  
 3 eral assembly, as follows:

- 4 1. To state law library for exchange purposes....125 copies
- 5 2. To law library of state university for exchange  
6 purposes ..... 50 copies
- 7 3. To state historical department..... 5 copies
- 8 4. To state historical society..... 5 copies
- 9 5. To each judge of the supreme, district, superior,  
10 and municipal courts of Iowa..... 1 copy
- 11 6. To each judge of the federal courts in Iowa.... 1 copy
- 12 7. To the clerk of the supreme court of Iowa.... 1 copy
- 13 8. To the clerk of each federal court in Iowa..... 1 copy
- 14 9. To each state institution under the control of  
15 either the state board of education or the  
16 state board of control..... 1 copy
- 17 10. To each state officer..... 2 copies
- 18 11. To the separate departments of principal state  
19 offices ..... 1 copy
- 20 12. To each member of the present and subsequent  
21 general assemblies ..... 1 copy
- 22 13. To chief clerk of the house..... 1 copy
- 23 14. To secretary of the senate..... 1 copy
- 24 15. To the reporter of the supreme court and code  
25 editor such number of copies as will enable  
26 him to perform the duties of his office.
- 27 16. To the clerk of the district court, the county  
28 attorney, the county auditor, the county re-  
29 corder, the county treasurer, the sheriff and  
30 the county superintendent of each county in  
31 the state, to the clerk of each superior or mu-  
32 nicipal court of the state, and also for use in  
33 each court room of the district, superior or  
34 municipal court ..... 1 volume
- 35 17. To J. H. Trewin and J. C. Mabry, code commis-  
36 sioners, each ..... 1 copy

1     **SEC. 11. Purchase by municipalities.** The board of supervisors  
 2 may purchase and pay for out of the general fund such additional num-  
 3 ber of copies of the code and session laws as may be deemed necessary  
 4 for the use of county and township officers. The council or commis-  
 5 sion of each city or town including cities acting under special charter  
 6 shall have like power in order to supply the public offices of the city  
 7 or town.

8     Each officer, except a state officer, at the expiration of his term  
 9 of office, shall deliver any code and session laws furnished to him  
 10 to his successor in office.

1     **SEC. 12. Distribution of early session laws.** The superintendent of  
 2 printing may distribute gratuitously to interested persons or associa-  
 3 tions the session laws of the thirty-sixth and previous general assem-  
 4 blies; provided that he shall maintain in reserve such number of copies  
 5 of the acts of each of said general assemblies as may be fixed by the  
 6 executive council. Such reserve when fixed shall not be distributed  
 7 except on the order of the executive council.

1     **SEC. 13. Former statutes to colleges.** Upon application, in writing,  
 2 from the librarian or chief executive officer of any incorporated college  
 3 in this state, the superintendent of printing shall, upon the approval of  
 4 the executive council, forward to said applicant, without charge, bound  
 5 volumes of the laws heretofore enacted.

#### GENERAL PROVISIONS

1     **SEC. 14. Original enrolled bills.** In the preparation of the code  
 2 and session laws the editor of the code shall have the right to the  
 3 possession of the enrolled bills.

1     **SEC. 15. Number printed.** The number of each edition of the code,  
 2 tables of corresponding sections, session laws, annotations and reports  
 3 of supreme court shall be determined by the printing board.

1     **SEC. 16. New edition.** New editions of the code, book of annota-  
 2 tions and reports of the supreme court may be published by the print-  
 3 ing board when the supply on hand of the last edition becomes ex-  
 4 hausted and when a new edition is necessary in order to meet the  
 5 demand.

1     **SEC. 17. Annotations and digests.** Books of annotations shall, so  
 2 far as practicable, be printed and bound in the same manner, form,  
 3 and style as the code.

1     **SEC. 18. Official statutes.** The code and session laws published  
 2 under authority of the state shall constitute the only authoritative  
 3 publications of the statutes of this state. No other publications of  
 4 the statutes of the state shall be cited in the courts or in the reports  
 5 or rules thereof.

1     **SEC. 19. Publication of parts of code.** The printing board may  
 2 cause to be printed from time to time, in the form of leaflets, folders,  
 3 or pamphlets and in such numbers as the board deems reasonable,  
 4 parts of the code for the use of public officers. Such orders shall be  
 5 limited to actual needs as shown by experience or other competent  
 6 proof, and the printing shall, as far as practicable, be done from the  
 7 plates or slugs from which the code has been printed.

That section one hundred seventy-five-a thirteen (175-a13) of the supplement to the compiled code of Iowa is amended, revised, and codified to read as follows:

1     **SEC. 20. Publication, sale, and distribution.** The code, session  
2 laws, annotations, tables of corresponding sections and reports of the  
3 supreme court shall be printed, and paid for in the same manner as  
4 other public printing, and the printing board shall fix the prices  
5 thereof.

That sections one hundred seventy-five-a four (175-a4) to one hundred seventy-five-a eight (175-a8), inclusive, and one hundred seventy-five-a twelve (175-a12) of the supplement to the compiled code of Iowa are amended, revised, and codified to read as follows:

1     **SEC. 21. Editor of code—duties.** The reporter of the supreme  
2 court shall be editor of the code and his duties shall be:

3     1. To submit such recommendations as he deems proper to each  
4 general assembly for the purpose of amending, revising, and codifying  
5 such portions of the law as may be conflicting, redundant or ambiguous  
6 and to lay said recommendations before the presiding officers of each  
7 house.

8     2. To prepare the manuscript copy of all laws, acts and joint  
9 resolutions passed at each session of the general assembly, and ar-  
10 range the same in chapters with comprehensive index and in such  
11 manner that each chapter will show the number of the house or  
12 senate file.

13     3. To edit and compile the code after each even-numbered session  
14 of the general assembly so that the same may be printed as herein  
15 provided.

16     4. To edit and prepare for publication a series of annotations of  
17 the statutes of Iowa containing annotations of all such statutes as  
18 have been construed by the supreme court of this state or the federal  
19 courts, and cause the same to be printed in separate volumes arranged  
20 in the same manner as the titles, chapters, and sections of the code.

21     5. To prepare and cause to be published immediately following the  
22 issuance of the code in nineteen hundred twenty-seven (1927), and  
23 each four years thereafter, a volume which shall by proper annota-  
24 tions, show the construction placed by the supreme court of this state  
25 and the federal courts on all statutes of this state since the then ex-  
26 isting permanent volume of annotations. The edition of nineteen hun-  
27 dred thirty-one (1931) and all subsequent volumes shall constitute a  
28 cumulation of the edition of nineteen hundred twenty-seven (1927)  
29 and so continued until said cumulation shall reach a size sufficient  
30 for a permanent volume.

31     6. To promptly prepare syllabi for all opinions of the supreme  
32 court and an index and proper tables for each volume of the reports.

1     **SEC. 22. Printing and reference.** The recommendations of the  
2 editor of the code shall be printed in such numbers as the printing  
3 board deems necessary for public use, and when laid before the pre-  
4 siding officers of the respective houses shall be referred in each house  
5 to appropriate committees on code revision, which shall be appointed  
6 by the presiding officers of the respective houses.

1     **SEC. 23. Standard for reports.** The size, style, type, binding, and  
2 appearance of volume one hundred ninety-five of the supreme court

3 reports shall be substantially followed in the future publications of  
4 said reports. A majority of the judges of the supreme court may  
5 prescribe a different standard volume.

That section one hundred seventy-five-a nine (175-a9) of the supplement to the compiled code of Iowa is amended, revised, and codified to read as follows:

- 1     **SEC. 24. Distribution of reports.** The superintendent of printing  
2 shall make free distribution of the reports of the supreme court as  
3 follows:
- |    |     |  |           |
|----|-----|--|-----------|
| 4  | 1.  | To library of congress.....  | 2 copies  |
| 5  | 2.  | To library supreme court United States.....  | 2 copies  |
| 6  | 3.  | To each supreme, district, superior, and municipal judge (not including police judges).... | 1 copy    |
| 7  |     |  |           |
| 8  | 4.  | To each United States district judge whose district lies within this state.....            | 1 copy    |
| 9  |     |  |           |
| 10 | 5.  | To the clerk of the supreme court.....   | 1 copy    |
| 11 | 6.  | To the attorney general.....   | 1 copy    |
| 12 | 7.  | To the state law library.....  | 90 copies |
| 13 | 8.  | To each county.....  | 1 copy    |
| 14 | 9.  | To each county where district court is held in more than one place.....                    | 2 copies  |
| 15 |     |  |           |
| 16 | 10. | To supreme court reporter.....   | 2 copies  |
| 17 | 11. | To law library state university.....   | 50 copies |
| 18 | 12. | To library state historical society.....   | 5 copies  |
| 19 | 13. | To the library Iowa state college of agriculture and mechanic arts.....                    | 2 copies  |
| 20 |     |  |           |

That section two hundred forty-one-a thirty-eight (241-a38) and section two hundred forty-one-a fifty-seven (241-a57) of the supplement to the compiled code of Iowa is amended, revised, and codified to read as follows:

- 1     **SEC. 25. Duties.** The superintendent of printing shall:
- 2     1. Have an office at the seat of government and devote his entire  
3 time to the duties of his position.
  - 4     2. Have charge of the office equipment and supplies of the printing  
5 board and of the stock, if any, required in connection with printing  
6 contracts.
  - 7     3. Have general supervision, under the direction of said board,  
8 of all matters pertaining to the enforcement of the contracts of the  
9 printing board.
  - 10    4. Keep a detailed record of all meetings and proceedings of the  
11 printing board and of the award of contracts by said board.
  - 12    5. Prepare, under the directions of said board, the specifications  
13 and advertisements for printing.
  - 14    6. Have control and direction of the document department.
  - 15    7. Have legal custody of all codes, session laws, books of annotations,  
16 tables of corresponding sections, digests and reports of the  
17 supreme court and sell, account for, and distribute the same as provided  
18 by law.
  - 19    8. Be responsible on his official bond for the public property coming  
20 into his possession.
  - 21    9. Perform such other duties as are necessary, or incident to his  
22 position, or which may be ordered by the printing board, or required  
23 by law.

That sections forty-three-a one (43-a1), forty-three-a two (43-a2), forty-three-a five (43-a5), and forty-three-a six (43-a6) of the supplement to the compiled code of Iowa are amended, revised, and codified to read as follows:

1     **SEC. 26. Citation of permanent code.** The permanent codes pub-  
2     lished subsequent to the adjournment of the extra session of the  
3     fortieth general assembly shall be known and cited as "The Code,  
4     .....", giving year of edition of such code.

1     **SEC. 27. Form of bills.** Bills designed to amend, revise, codify, or  
2     repeal a law:

3     1. Shall refer to the number of the section or sections of the code  
4     to be amended.

5     2. Shall refer to the number of the chapter or chapters and title  
6     of the code to be amended.

7     3. Shall refer to the number of the general assembly and of the  
8     sections and chapters of the acts thereof to be amended in case the  
9     bill relates to a section or sections of an act not appearing in the code.

10    4. All references shall be expressed in words, followed by the  
11    numerals in parentheses (), and if omitted the reporter of the supreme  
12    court preparing acts for publication in the session laws shall supply  
13    the same.

1     **SEC. 28. Accounting.** All public officers who have come into pos-  
2     session of codes, supplements to the code, and session laws, and who  
3     are under legal obligation to account therefor, shall make such ac-  
4     counting under the laws heretofore in force.

1     **SEC. 29. Delivery of present laws.** Upon the taking effect of this  
2     act, the secretary of state shall deliver to the superintendent of  
3     printing all codes, supplements, session laws, and reports of the  
4     supreme court then in the possession of said secretary.

1     **SEC. 30. Appropriation.** There is hereby appropriated out of any  
2     money in the treasury not otherwise appropriated an amount sufficient  
3     to defray all expenses incurred in the carrying out of the provisions  
4     of this act.

1     **SEC. 31. Publication clause.** This act, being deemed of immediate  
2     importance, shall take effect and be in force from and after the date  
3     of its publication in the Iowa Forum and the Des Moines Capital,  
4     newspapers published in Des Moines, Iowa.

Approved April 12, 1924.

I hereby certify that the foregoing act was published in the Des Moines Capital April 15, 1924, and in the Iowa Forum April 16, 1924.

W. C. RAMSAY, *Secretary of State.*